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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,727

09/26/2005

Thierry Rodrigues

0579-1106

6059

466

7590

06/19/2006

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EXAMINER

NGUYEN, CHAU N

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/550,727	Applicant(s) RODRIGUES ET AL.	
	Examiner Chau N. Nguyen	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) .
Paper No(s)/Mail Date <u>9/26/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 8, change "one first" to --said one--.

Claim 10, line 3, "a second longitudinal edge of said sleeve" is vague since a first longitudinal edge of said sleeve has not been recited.

Claim 11, lines 4-6, "said first longitudinal edge of said sleeve" and "said second longitudinal edge" lack antecedent basis.

Claims 2-9 and 13 are included in this rejection because of dependency.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Plummer, III et al. (5,367,123).

Plummer, III et al. discloses a longitudinally slit tubular electromagnetic shielding sleeve (Figures 1-2) comprising a substrate (38) and an electrically conductive material layer (22) fixed to an internal face of the substrate, the conductive layer extending substantially from one longitudinal edge of the substrate to the other longitudinal edge thereof, characterized in that the substrate and the conductive layer are separated in a split segment at said one longitudinal edge (at 54) at least (re claim 1). Plummer, III et al. also discloses the substrate being produced in the form of a sheet thermoformed into a self-curling strip with an overlap (re claim 4), the other longitudinal edge of the substrate being adapted to be inserted between the substrate and the conductive layer in the split segment (Figure 2) (re claim 10), and the sleeve surrounding a bundle of electrical cables (not shown) (re claim 13).

5. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuji et al. (5,003,126).

Fuji et al. discloses a longitudinally slit tubular electromagnetic shielding sleeve (Figure 4) comprising a substrate (5) and an electrically conductive material layer (1) fixed to an internal face of the substrate, the conductive layer extending substantially from one longitudinal edge of the substrate to the other longitudinal edge thereof, characterized in that the substrate and the conductive layer are separated in a split segment at said one longitudinal edge at least. Fuji et al. also discloses the substrate and the conductive layer being separated over split segments respectively adjacent to longitudinal edges of the sleeve.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 3, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plummer, III et al.

Plummer, III et al. discloses the invention substantially as claimed except for the conductive layer being formed of copper wires. However, it would have been obvious to one skilled in the art to use copper wires for the conductive layer of Plummer, III et al. since copper wire is well-known in the art for being used as conductive shielding material because of its highly conductivity. It would also have been obvious to one skilled in the art to choose suitable angles for the split segment and for the overlap portion of Plummer, III et al. respectively to meet the specific use of the resulting sleeve since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 205 USPQ 233.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plummer, III et al. in view of Von Samson-Himmelstjerna (6,936,553).

Plummer, III et al. discloses the invention substantially as claimed except for the substrate being a woven textile strip. Von Samson-Himmelstjerna discloses a sleeve for cable comprising a substrate (backing material) which is a woven textile strip (col. 5, lines 20-21). It would have been obvious to one skilled in the art to use woven textile for the substrate of Plummer, III et al. since woven textile

material is known in the art for being used as a backing material for forming a composite cable sleeve as taught by Von Samson-Himmelstjerna.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plummer, III et al. in view of Philip (3,612,744).

Plummer, III et al. discloses the invention substantially as claimed except for the conductive layer being fixed to the substrate by one or more rows of stitches extending in the longitudinal direction of the sleeve. Philip discloses a cable comprising a plurality of layers which are fixed together by one or more rows of stitches in the longitudinal direction of the layers. It would have been obvious to one skilled in the art to provide one or more rows of stitches as taught by Philip in the sleeve of Plummer, III et al. to further secure the conductive layer to the substrate.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Chau N Nguyen
Primary Examiner
Art Unit 2831